REMARKS

The Office Action in the above-identified application has been carefully considered and this amendment has been presented to place this application in condition for allowance. Accordingly, reexamination and reconsideration of this application are respectfully requested.

Claims 1, 4-14, 16, and 19-29 are in the present application. It is submitted that these claims were patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. The changes to the claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. sections 101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled. Claims 2, 3, 15, 17, 18, and 30 are canceled.

Claims 1-30 were rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Specifically, the Examiner takes issue with "a linear approximation means" implementing a mathematical algorithm. (Office Action pages 2-3) However, the recited "linear approximation means" corresponds to hardware and/or software elements within the decoder which practically apply the mathematical algorithm in the process of decoding digital information. As discussed in MPEP § 2106,IV,2(b)(ii), "For such subject matter to be statutory, the claimed process must be limited to a practical application of the abstract idea or mathematical algorithm in the technological arts." (MPEP page 2100-18) The MPEP provides as an example of a statutory process: "A digitally filtering process for removing noise from a digital signal comprising the steps of calculating a mathematical algorithm to produce a

correction signal and subtracting the correction signal from the digital signal to remove the noise." This is analogous to the present invention claiming a decoding method for decoding digital information including a step of calculating a linear approximation correction term for use in the decoding operation. Further, Applicant believes the determination of statutory subject matter should be based on the claim as a whole and not on a single limitation within the claim. As shown in Figure 6 and described on page 20 of the specification, the present invention is directed to "a decoder for decoding digital information" as part of a data transmission/reception system. Accordingly, the present invention is clearly statutory subject matter as the invention is hardware/software which practically applies a mathematical algorithm to produce a tangible result (decoded data). For at least these reasons, Applicant respectfully request this rejection be withdrawn.

Claims 1, 4, 5, 7-16, 19, 20, and 22-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over XP-000888685 (Disclosure entitled "Simplified Log-Map Algorithm") in view of Benedetto et al. (Article entitled "Soft-Output Decoding Algorithms in Iterative Decoding of Turbo Codes"). In response, Applicant has amended independent claims 1 and 16 to include the limitations of canceled dependent claims 2-3 and 17-18, respectively. As these claims were not rejected by the Examiner under XP-000888685 or Benedetto, Applicant believes this rejection has been overcome and the rejected claims should now be allowed.
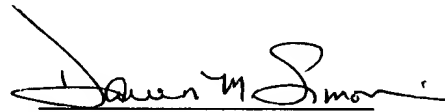
In view of the foregoing amendment and remarks, it is respectfully submitted that the application as now presented is in condition for allowance. Early and favorable reconsideration of the application are respectfully requested.

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No fees are deemed to be required for the filing of this amendment, but if such are, the Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,
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